

E-filed 11/20/06

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 06-00633 JF
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING AND EXCLUDE TIME;
13 v.)	[PROPOSED] ORDER
)	
14 RAFAEL VALENCIA-ARAGON,)	
)	
15 Defendant.)	
16 _____)	

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Wednesday, November 29, 2006, be continued to Wednesday, January 10, 2007, at 9:00 a.m.

20 The continuance is requested by the defense for two reasons. First, the government has
21 extended a settlement offer that the defense anticipates will result in disposition and sentencing
22 at the parties' next appearance. However, defense counsel will be out of town for approximately
23 one week near the end of November, and would like additional time to discuss the matter with
24 Mr. Valencia after her return. Second, Mr. Valencia has requested that his next appearance be
25 postponed until after the winter holidays, given that it will likely be his last appearance, and he
26 would like to remain in the local jail for family visits over the winter holidays.

1 The parties further agree that time should be excluded under the Speedy Trial Act for
 2 continuity of counsel, and because the defense requires time for effective preparation and
 3 investigation, so that the ends of justice outweigh the defendant's and the public's need for a
 4 speedy trial.

5
 6 Dated: 11/15/2006

/s/
 LARA S. VINNARD
 Assistant Federal Public Defender

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 8 Dated: 11/15/06

/s/
 SUSAN KNIGHT
 Assistant United States Attorney

9
 10 **ORDER**

11 The parties have jointly requested a continuance of the hearing set for November 29,
 12 2006, because defense counsel will be out of town in late November, and requests additional
 13 time to discuss a proposed settlement offer with the defendant. Additionally, the defendant
 14 wishes to postpone his final court appearance until after the winter holidays so that he may
 15 remain in the local jail for family visits.

16 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
 17 presently set for November 29, 2006, be continued to January 10, 2007, at 9:00 a.m.

18 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
 19 from November 29, 2006, to January 10, 2007, shall be excluded from the period of time within
 20 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

21
 22 Dated: 11/20/06


 JEREMY FOEBEL
 United States District Judge